1910
(Agriculture)

F. No 1
Sl. Nos 94, 95, 97 & 99

Subj - Suit by Messers T.K. Abboy Naidu and Co Opticians Kumbakonam for recovering the value of exhibits sent by them to the Dasara Exhibition 1910

G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1910.

(Agriculture)

File No. /

Serial Nos. 94, 95, 97 & 99

Papers Filed.

Month June 1912

SUBJECT.

Suit by messrs J. K Abboy Naidu & Co Opticians, Kumbaconum for recovering the Value of exhibits Sent by them to the Danara Exhibition 1910.

PREVIOUS REFERENCES.	LATER REFERENCES.
Agri 10 of 1910 Ss 85, 87, 92 & 93	Ss 104, 105, 106, 109 & 110. Ss 111 & 112

P.S. Kuppuswamy Jr
8/6/12

G.R.S. 11].

1912.

GENERAL AND REVENUE SECRETARIAT.

(Agri)

NOTES.

File No. 1 & 11

FILE HEADING.

Suit by Messrs T. K. Abboy Naidu & Co
opticians, Kumbakonam. for recovering
the value of exhibits sent by them to the Dasara Exhibition 1910

From

The President, Dasara Exhibition

No. 2243 Dated 1-4-12 Received 6.4.12.

Diary No. 45-29 | Enclos. 1 file Spare Copies. | Serial No. 94

BRIEF ABSTRACT OF LETTER.

Submits for orders the file of correspondence ending with S.C. No. 615 of 1912 received from the District Munsiff of Kumbakonam on behalf of Mr. T. K. Abboy Naidu, Exhibitor of Mysore Dasara Exhibition of 1910, claiming the cost (Rs 33 + odd) of certain articles found missing in the said Exhibition.

NOTES AND ORDERS.

1 The facts of the case are fully set forth in the President's letter under disposal.

2. The Exhibitor in question is one who will be a recipient of compensation sanctioned in G.O. No: R 5086-7 - Agri 1-10-938 20.3.12.

NOTES:- First Sheet.

GPB-30,000-27.6.11

G. R. S. 12]

General and Revenue Secretariat.

Agri. File No. 1 of 1910

Serial No.

for the loss of ~~[illegible]~~ exhibits in the Exhibition of 1910.

2 If the amount of compensation due to the exhibitor in question had been remitted to him immediately after the receipt of Govt. sanction, there would have been no necessity for engaging the services of the High Court Vakil Mr. T. S. Subrahmanya Iyer on behalf of the Exhn. Secretary.

The suit seems to have been filed in the ~~[illegible]~~ Bench while the P. O is dated ~~[illegible]~~ Bench

3 The President of the Dasara Exhibition now states that as "the exhibitor is solely responsible for the safety of his exhibits" and as "the authorities are not in any way responsible for the damage or loss of exhibits howsoever occurring" the exhibitor in question is not entitled to receive any compensation. (Vide rules 16 & 17 of the Prospectus for the Year 1910)

4 Since the exhibitor has put his claim into the court, the President requests that the Govt. Advocate may be instructed to advise the Exhn. Secretary

NOTE.—Contn. sheet.

GPS—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

Apn File No. 1 of 1910

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as to what further steps he has to take in the matter submitted for orders.

Apn-35 A/(9)
11/4/12

5 There are two points to be considered in the case (1) Has the District Commissioner Kumbakonam jurisdiction to entertain a suit for the recovery of the price of articles sent for the Bassara Industrial and Agricultural Exhibition which have not returned to the Exhibitors

(2) Have the Plaintiffs any right to claim the value these articles having agreed to condition 17 of the Prospectus "No responsibility will be accepted by the Committee as to any damage or loss howsoever occurring"

6. With regard to the first point there can be no doubt that the District Commissioner of Kumbakonam can

NOTE.—Contn. sheet.

GPB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

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Serial No.

have no jurisdiction in the case. The ground on which the Plaintiffs make out that that court has jurisdiction is that the defendant agreed to send back to Plaintiff to Kumbakonam after the exhibition over the value of the goods sold and the balance of goods unsold. Para 5 of the plaint vide 25 of the Prospectus to the effect that all exhibits must be removed within a fortnight after the close of the Exhibition. Exhibits remaining after that time will be disposed as the Committee deem fit. This cannot be deemed to constitute an agreement to return the goods at Kumbakonam. It was open to the Committee to sell the goods summarily after the expiry of the fortnight in pursuance of the above condition and when the Committee decided to show some consideration to the Plaintiffs

NOTE.—Contn. sheet.

GPB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

AC File No. / of 191/

Serial No.

& send the goods back to them the original condition cannot be effected. The Exhibition is held at Lyons & the Secretary resides at Lyons & as there was no express agreement to return the goods at Kumbakonam, the suit will have to be dismissed for want of jurisdiction.

7. With regard to the 2nd point even if the Court be held to have jurisdiction the Plaintiff is not entitled to any decree as the Committee have expressly exonerated themselves from any responsibility for damage or loss under Rule 17. In letter No 1414 of 17.12.10 the Secretary has no doubt stated that he would recommend their case to the favourable consideration of Govt with a view not to discourage exhibitors but this cannot operate so as to make any liability or no legal right to compensation is admitted to the Plaintiffs.

NOTE.—Contn. sheet.

GPB—20,000—20-1-13

G. R. S. 12]
General and Revenue Secretariat.

File No. 1 of 1911

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have rushed into Court unnecessarily the amount of compensation award'd to be paid & them need not be given awarded & the suit may be contested.

(9) The Govt Advocate may also be consulted

L
11/4/12

Seq /

(10) Yes - please do so.

(11) In the meanwhile please inform Mr Krumbiegel to get the case adjourned for a while -

Case should be treated as urgent -

From D. Govt Advocate L 11/4/12

U.O. 86-R dated Bangalore 11 4/12 CBK 11/4/12

(12) forwarded unofficially to the Govt Advocate for favour of opinion

B6

11.4.12 Asstt Secy Govt Secretary

U.O. 40 D/11-Apr-12

(13) The Prospectus issued by the Exhibition Committee is a mere invitation on the part of the Committee to intending Exhibitors

1/Apr/12

NOTE— Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]

General and Revenue Secretariat.

File No. [illegible] of 191[illegible]

Serial No.

to transact business. Rule 2 & 3 of the rules published with the Prospectus contemplate applications from intending Exhibitors in the prescribed form. The Exhibitor in question has, in accordance therewith offered by his application d. 26.8.10, to send the exhibits therein referred to to the Com.ee & the Com.ee must have presumably accepted the offer in writing (the letter of acceptance is not in the file, but I presume there is one). The Exhibitor thereupon has sent the goods on 28.9.10 to the Com.ee the receipt of which has been acknowledged by the Com.ee in their letter of the 4th Oct. 1910.

(iii) The Contract thereupon between the Exhibitor & the Exhibition Com.ee is one that is entered into by Correspondence. And it is now settled law "that "When a Contract is entered "into by Correspondence

It is doubtful whether such individual applications can be accepted & when the articles are sent in response to the proposals of the rules, which (Rule 4) states that the conditions should be deemed to have been accepted by the Exhibitor there is no question that such proposals is the basis of the contract

R

NOTE—Contn. sheet.

GBB—20,000—20 1-12

Serial No.

" the Contract is deemed
" to have been made at the
" time when & at the place
" where the letter of acceptance
" is posted " Bearing ~~this~~
this principle in mind the
Contract in the present
instance must be taken
to have been entered into
at Mysore when the Exh^r.
Com^ee posted their letter of
acceptance, accepting
the offer made by the Exhibitor.
The Munsiff's Court at Kumba-
-Konam has therefore no
jurisdiction to try the Case -
(5) On the merits also I
agree with the Under Secretary
in the view he has taken.
I only wish to add that under
Rule 42 of the Rules of the
Exh^n Com^ee persons who become
Exhibitors are deemed to have
assented & accepted the
rules & regulations of the Com^ee.
As a matter of fact the
Exhibitor in question (J. K
abbay

NOTE – Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

File No. 1 of 191

Serial No.

Naidu & Co) has, in his application dated 26.8.10 expressly agreed to abide by the said rules & regulations.

S Duraiswamy Iyer
13.4.1912. Govt Advt.

Subt for orders
CS
13/4/12.

Some time back we sent forward a copy of the Govt Advocate's note to the President & also him to take steps to have the suit defended on behalf of Govt, on the above grounds

R
13/4/12

Draft Read
Secy
(55) 15/4/12 Ct (97)

Secy / R 15/4/12

DE Wain

Govt Advocate
Please take the necessary action
Val also keep in view

15/4/12

775.
Read 4.30 p.m. by Regd post. 17.4.12

NOTE—Contn. sheet.

GDB—20,000—20-1-12

G. R. S. 12]

General and Revenue Secretariat.

A/2 File No. 1 of 191/

Serial No.

Subd to 7 Sec^r

USB
19/4/12

~~S. & G. P.C.~~
The Secretary to the L.Y. Committee is a public Officer here & so I am not sure if he can be sued and
the draft letter is all right. I think the suit must fail on either of the Objns raised.

19/4/12

Issue

OBS
19/4/12

15 To the President Darwaz Sahh.
U.O. No. 5894 dt 20-4-12
- forwards a copy of the Govt Advocate's note & requests that steps may be taken to have the suit defended on behalf of the Govt. [illegible]

NOTE.—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

Apr File No. 1 of 1910

Serial No. 97

From the President of the Dasara Exhn Committee
No 2402 of 25/5/12
with refce to 8 no 95; forwards for information and approval a copy of the written statement proposed by the Pleaders to be filed in the Kumbakonam Dt Munsiffs' Court on 12/6/12 on which date the hearing of the case is fixed.

Submd for orders.

In para 11 of the Statement the word 'Sakkiliyar' shd be substituted for the word "Sakkiliyan"

Nil (11) 28/5/12 CA (9)

The written St may be approved, omitting not the mistake.

unofficial No 112/R of 1910-12 — forwarded unofficially to the Govt Vakeels for opinion

BC
Secy to Govt
25.5.12 — for Secretary

The written statement is alright. It may be adopted with the clerical error, noted above corrected

Rajahmundry
30.5.12 } Govt Adv.

B I.
Rept accordingly

NOTE—Contn. sheet.

GPB—20,000—20-1-12 31/5

6/6/12

G. R. S. 12]

General and Revenue Secretariat.

File No. / of 191 0

Serial No.	
	Draft reply to the Press is submitted (SS) 16/12 16/12 Sd 16/12
99	To the Registrar of the Dasara Arbitration Committee. No 7435 dt 1.6.12 Copies of the written statements proposed to be filed in the Kumbakonam Munsiff's Court, with a sketch map

NOTE.—Contn. sheet.

GPB—20,000—20-1-12

Exbn. 1]

OFFICE OF THE PRESIDENT, MYSORE DASARA
INDUSTRIAL AND AGRICULTURAL EXHIBITION.

No. 2243 Dated ~~Bangalore~~ Mysore the 1st of April 1912.

4529

1-4 912
April
file no 1-10
& no 94

From

G. H. KRUMBIEGEL, ESQ., F.R.H.S.,
ECONOMIC BOTANIST AND
PRESIDENT, DASARA EXHIBITION.

To

C. S. Balasundaram Iyer, Esq., B. A.,

Offg. Secretary to the Government of Mysore,

Genl. and Rev. Departments, Bangalore.

SIR,

I have the honor to submit herewith for orders the file of correspondence ending with S. C. No. 615 of 1912 received from the District Munsiff of Kumbakonam on behalf of Mr. T. K. Abboy Naidu, exhibitor of 1910 Exhibition.

The facts of the case are that the exhibitor sent a consignment consisting certain vallam pebble exhibits with an invoice (Flag E) dated 27th September 1910 which was checked by T. K. Ramaswami, Head Master, Government Industrial School, Mysore on the 1st of October 1910 with the exhibits received and found correct.

GPB—1,000—6-5-10.

DIARY No. 4529

10 11
Agri
1-10
94

Exbn. 1]

19 12.

From

THE PRESIDENT,
MYSORE DASARA INDUSTRIAL
AND AGRICULTURAL EXHIBITION.

To

.....The Secretary to.....
.....the Govt. of Mysore,
.....Gen. & Rev. Deptts.,
.....Bangalore.

Dated 1st

Despatched 4th April 1912.

Received

General Exbn. No. 2243

Enclosure No. One file

Submits for orders the file of correspondence ending with S.C. No. 615 of 1912 received from the District Munsiff of Kumbakonam on behalf of Mr. T. K. Abboy Naidu, exhibitor of 1910 Exhibition.

- - - - - - -

correct.

The exhibits were then staged with due precautions for the safety thereof, notwithstanding the omission of the exhibitor in the way of hiring a show case for the safety of his pebble exhibits.

The list of exhibits returned to him on the 19th of October 1910 ran short of articles valued at Rs. 32 - 8 - 0 which were ultimately found missing and the fact was communicated to the exhibitor in this office letter No. 1414 dated 17th December 1910 (Flag F) with an addition that although the Exhibition is not responsible for the loss, yet the Government would be requested to sanction the sum.

Subsequently a lawer's notice (Flag G) dated 20th July 1911 was received from Kumbakonam on the 22nd of July 1911 and a reply thereto was sent in this office letter No. 198 (Flag H) dated 31st July 1911.

As the hearing of the case had been fixed to the 25th ultimo and as the summons was served on the 22nd of March 1912 and as there was no time to seek for Government advice, the High Court Vakil Mr. T. S. Subramanya Iyer, B. A., B. L., was requested in this Office No. A (Flag I) dated 23rd March 1912 to appear for the Secretary and seek for an adjournment. Mr. Subbuswamier has taken this step in order that there may not be room for an Ex-Parte Decree.

In this connection I beg to record that as per rule 16 of the Prospectus for the year 1910, the exhibitor is solely responsible

responsible for the safety of his exhibits. Moreover Rule 17 clearly states that the authorities are not in any way responsible for the - damage to or loss of exhibits howsoever occurring. Under these circumstances the exhibitor is not entitled to receive the compensation lately sanctioned in Government Order No. R. 5086-7/Agri. 1-10-93 dated 20th March 1912. As the exhibitor has put his claim into the court, I request that Government Advocate may be instructed to advise the Secretary on the further step to be adopted in the case.

I have the honor to be,

Sir,

Your most obedient servant,

P r e s i d e n t.

DIARY No. 4615

Office of the President,
Mysore Dasara Exhibition,
Bangalore Dated 11th April,'12

Dear Mr Balusundrum Iyer,

With reference to my letter from the Mysore Exhibition office reporting that the Firm of Messrs: T.K.Abboya Naidu & Co.,Kumbakonam, have filed a suit against the Secretary of the Exhibition and asking orders of Government as to whether any notice should be taken of the matter or not, I am now informed that the case is posted to the 15th instant for hearing. My.Subbaswamy Iyer is on deputation at Calicut and not likely to return before the day of hearing. I shall be glad to know what orders are passed by Government in view to

to taking further necessary steps in the matter under notice i.e.. whether a written statement be sent to the Kumbakonam Court or a further adjournment asked for or the matter be ignored altogether.

A very early reply will much oblige,

Yours Sincerely

C. Krishnaswamy Iyer

To

C. S. Balasundaram Iyer, Esq., B.A.,
Offg. Secretary to the Govt. of
His Highness the Maharaja of Mysore,
Genl. & Revenue Departments, Bangalore.

D.O. No. 117 Bangalore
11.4.02

Dear Mr. Kumbigal

With reference to your d.o. of this date regarding the suit filed by Messrs T. K. Abboy & Sons & Co, Kumbakonam against the Secretary of the Exhibition which has been

S. H. Kennedy Esq
President Bye
Dame Exhibition

Posted 6th 15th for hearing
I am desired to state
that the Solicitor
is being consulted in
the matter and you
may let the case
adjourned for ~~one~~
two a while
Yours sincerely
[illegible]
11/4/12

G.R.S. 26]

File No. 1-10

Serial No. 95

Diary No. of letter replied to 14529

No. R 5894

In 2 and 1 file

General and Revenue Secretariat

(Cl/Gn)

, *the* 19 .

To

G. H. Krumbiegel Esq I.A.S.

President of the Devaru

Id. A. Exhn Committee

Date of issue 20.4.12

Signed by Mr P.G. D'Souza

Sir,

With reference to your letter No. 22438 1-4-12 submitting for orders the file of correspondence relating to the suit filed by Messrs I K Abboy Naidu & Co. of Kumbakonam for the

over.

SUBJECT.

Forwards copy of the note containing the views of the Govt. Advocate & requests him to take steps to defend the suit.

recovery of the value of certain
Exhibits sent by them to
the Darcaar Exhn of 1910,
I am directed to forward
herewith a copy of the
Govt Advocate's Note 8/13-4-1912 containing
their views on the matter
and to request you to
be so good as to take
steps to have the Suit
defended on behalf
of Government on the
the Secretary to the
Exhibition
grounds set forth in the
above Note -

The Enclosures are noted hereunder

I have &c

List of enclosures,

(7)

(55) 15/4/12 (9)

Copied by

Examined by

GPB—20,000—25-9-10

Exbn. 1]

OFFICE OF THE PRESIDENT, MYSORE DASARA
INDUSTRIAL AND AGRICULTURAL EXHIBITION.

No. 2602 Enc 1

Dated Bangalore / Mysore *the* 25 *of* May *1912.*

5631 R.

11 12
Agri
1-10
97

From

G. H. KRUMBIEGEL, ESQ., F.R.H.S.,
ECONOMIC BOTANIST AND
PRESIDENT, DASARA EXHIBITION.

To

The Secretary to the Government of

His Highness the Maharaja of Mysore,

Gen. and Rev. Departments, Bangalore.

SIR,

Adverting to your letter No. R. 5894 / Agri. 1-10-95 dated 20th April 1912 requesting that the suit filed against the Secretary of the Exhibition Committee in the Munsiff court at - Kumbakonam may be defended, I have the honor to forward for favour of information and approval a copy of the written statement proposed by the Pleader to be filed in the said court. As the hearing is fixed to 12th June 1912, the statement may kindly be returned early.

I have the honor to be,
Sir,
Your most obedient servant,

For President.

Exbn. 1]

19 12.

From

THE PRESIDENT,
MYSORE DASARA INDUSTRIAL
AND AGRICULTURAL EXHIBITION.

To

The Secretary to the
Government of Mysore,
Gen. & Rev. Deptts.,
B a ng a l o r e .

Dated

Despatched M a y 1912.

Received

General Exbn. No.

Enclosure No.

Forwards for favour of information and approval copy of the written statement proposed by the Pleader to be filed in the Munsiff court at Kumbakonam.

G.R.S. 26]

File No. 1-10

Serial No. 99

-/6

Diary No. of letter replied to 5631

No.

General and Revenue Secretariat

( )

, *the* 19 .

To

The President of the
Dasara Dt A Relief
Committee.

Date of issue

Signed by

Sir,

With reference to your
letter No 2610 of 25/8/12
forwarding for approval
a written statement
proposed to be filed in the
Kumbakonam Munsiff's
Court in connection with the
suit filed by T K. Abbay Naidu
against the Secy of the Relief

over.

SUBJECT.

Approval of the written Statement to be filed
in the Kumbakonam Munsiff's Court in con with
the Suit instituted by T K Abbay Naidu against the Secy to
the Relief Committee

AJ
11/9/12

Committee, I am directed to inform you that Govt approve of the written statement. There is a clerical error in para 11 of the statement viz the word "Exhibition" which should be corrected into "Exhibitor".

I have &c

for Secy

11/6/10

(9)

List of enclosures,

Copied by

Examined by

GPB—20,000—26-9-10